

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 7-24-61. Consent—claimed by Houston Peanut Co. Segregated; 30 lbs. converted into animal feed.

27985. Shelled peanuts. (F.D.C. No. 46533. S. No. 30-936 T.)

QUANTITY: 15 112-lb. bags at Los Angeles, Calif.

SHIPPED: 3-20-61, from Severn, N.C.

LIBELED: 11-15-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect larvae, insect parts, insect excreta, and insect webbing while held for sale.

DISPOSITION: 12-5-61. Default—destruction.

27986. Shelled peanuts. (F.D.C. No. 46790. S. Nos. 28-882 T, 29-202/4 T.)

QUANTITY: 92 119.25-lb. bags and 76 bags, at St. Joseph, Mo., in possession of Chase Candy Co.

SHIPPED: 9-26-61 and 11-8-61, from Houston, Tex.

LIBELED: 12-13-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta pellets, and rodent-gnawed peanuts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-19-62. Consent—claimed by Chase Candy Co., and converted into peanut seed.

27987. Shelled Spanish peanuts. (F.D.C. No. 44872. S. No. 11-850 R.)

QUANTITY: 146 120-lb. bags at Wheeling, Ill.

SHIPPED: 8-4-60, from Fitzgerald, Ga., by Dixie Peanut Co., Inc.

LABEL IN PART: (Tag) "No. 1 Spanish Peanuts Packed by Dixie Peanut Company, Fitzgerald, Georgia."

LIBELED: 8-29-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects and insect-damaged peanuts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 9-19-60. Consent—claimed by Dixie Peanut Co., and converted into animal feed.

27988. Shelled Spanish peanuts. (F.D.C. No. 44793. S. No. 39-313 R.)

QUANTITY: 24 120-lb. bags at Bloomington, Ill.

SHIPPED: 8-3-60, from Fitzgerald, Ga., by Dixie Peanut Co., Inc.

LABEL IN PART: "No. 1 Shelled Spanish Peanuts Net 120 Lbs.—Dixie Peanut Company, Fitzgerald, Ga."

LIBELED: 9-14-60, S. Dist. Ill.

CHARGE: 402(a)(3)—contained insects and insect-damaged peanuts when shipped.

DISPOSITION: 10-13-60. Consent—claimed by Dixie Peanut Co., and converted into animal feed.

27989. Unshelled peanuts. (F.D.C. No. 46879. S. Nos. 45-504 T, 45-510 T.)

QUANTITY: 55 50-lb. bags and 33 100-lb. bags, at Memphis, Tenn., in possession of M. E. Carter & Co.

SHIPPED: (55-bag lot) 10-22-61, from Portales, N. Mex., and (33-bag lot) 11-8-61, from Suffolk, Va.

LIBELED: 1-10-62, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-23-62. Consent—claimed by M. E. Carter & Co., 55-bag lot relabeled for peanut seed; 33-bag lot, segregated; 115 lbs. destroyed.

27990. Shelled pecans. (F.D.C. No. 46019. S. Nos. 24-407/8 R, 39-197 R, 49-363/4 R, 67-461 R, 18-489 T.)

INFORMATION FILED: 12-29-61, N. Dist. Tex., against Johnnie Ferrantello, t/a Texas Nut Co., Dallas, Tex.

SHIPPED: Between 11-11-60 and 11-27-61, from Texas to Arkansas, New Mexico, and Oklahoma.

LABEL IN PART: (Pkg.) "WUNDER PAK PECANS ONE FULL POUND [or "Net Wt. 3 Oz."] TEXAS NUT COMPANY, DALLAS, TEXAS," "SIGN POST BRAND PECANS NET WT. 6 OZ. [or "NET WT. 12 OZ."] DISTRIBUTED BY THE FARMER COMPANY POST OFFICE BOX 13666 DALLAS 24, TEXAS," "WUNDER PAK PECANS NET WT. 6 OZ. GEO. WUNDERLICK CO., INC., DALLAS HOUSTON AMARILLO."

CHARGE: 402(a)(3)—contained *E. coli*, a microorganism indicative of fecal contamination; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-3-62. \$525 fine.

27991. Shelled pecans. (F.D.C. No. 46943. S. No. 13-644 T.)

QUANTITY: 10 30-lb. boxes, at Chicago, Ill., in possession of Ace Pecan Co.

SHIPPED: 12-5-61, from Canton, Miss.

RESULTS OF INVESTIGATION: Article shipped in bulk and repacked by the dealer into boxes as described above.

LIBELED: 1-25-62, N. Dist. Ill.

CHARGE: 402(a)(3)—while held for sale, contained *E. coli*; 402(a)(4)—prepared and packed under insanitary conditions; and 403(e)(1)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: 3-5-62. Consent—claimed by Ace Pecan Co., and reconditioned to be brought into compliance with the law.

27992. Peanut butter. (F.D.C. No. 47266. S. No. 18-092 T.)

QUANTITY: 205 cases, 12 jars each, at Houston, Tex.

SHIPPED: 10-14-61, from Chicago, Ill., by Swift & Co.

LABEL IN PART: (Jar) "Swift's Oz Peanut Butter 1 Lb. Net Wt. Contains * * * Mfd. by Swift & Company, Gen. Off. Chicago, Ill." and (band of tape around each jar with ball point pen attached) "Free! Ball Point Pen."

RESULTS OF INVESTIGATION: Examination showed that the article bore labels on which the mandatory information was printed in black ink or white ink, with the information printed in black ink being in very small type on a poorly contrasting background, making it difficult to read. The opaque band of tape attaching the pen to the jar obscured the quantity of contents statement on both labels.